



General Assembly

February Session, 2002

Bill No. 5028

LCO No. 494

Referred to Committee on Appropriations

Introduced by:

REP. WARD, 86th Dist.

SEN. DELUCA, 32nd Dist.

***AN ACT CONCERNING THE INVESTIGATION AND PROSECUTION OF
ACTS OF TERRORISM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-3 of the general statutes, as amended by
2 section 9 of public act 01-84, is amended by adding subdivision (24) as
3 follows (*Effective July 1, 2002*):

4 (NEW) (24) "Act of terrorism" means an act or acts intended to
5 intimidate or coerce a civilian population, influence the policy of a unit
6 of government by intimidation or coercion or affect the conduct of a
7 unit of government by murder, assassination or kidnapping.

8 Sec. 2. (NEW) (*Effective July 1, 2002*) (a) A person is guilty of
9 terrorism in the first degree when, with intent to intimidate or coerce a
10 civilian population, influence the policy of a unit of government by
11 intimidation or coercion or affect the conduct of a unit of government
12 by murder, assassination or kidnapping, such person causes serious
13 physical injury to another person.

14 (b) Terrorism in the first degree is a class A felony.

15 Sec. 3. (NEW) (*Effective July 1, 2002*) (a) A person is guilty of
16 terrorism in the second degree when, with intent to intimidate or
17 coerce a civilian population, influence the policy of a unit of
18 government by intimidation or coercion or affect the conduct of a unit
19 of government by murder, assassination or kidnapping, such person
20 causes physical injury to another person.

21 (b) Terrorism in the second degree is a class B felony.

22 Sec. 4. Section 53a-54b of the general statutes, as amended by section
23 10 of public act 01-84 and section 3 of public act 01-151, is repealed and
24 the following is substituted in lieu thereof (*Effective July 1, 2002*):

25 A person is guilty of a capital felony who is convicted of any of the
26 following: (1) Murder of a member of the Division of State Police
27 within the Department of Public Safety or of any local police
28 department, a chief inspector or inspector in the Division of Criminal
29 Justice, a state marshal who is exercising authority granted under any
30 provision of the general statutes, a judicial marshal in performance of
31 the duties of a judicial marshal, a constable who performs criminal law
32 enforcement duties, a special policeman appointed under section 29-
33 18, a conservation officer or special conservation officer appointed by
34 the Commissioner of Environmental Protection under the provisions of
35 section 26-5, an employee of the Department of Correction or a person
36 providing services on behalf of said department when such employee
37 or person is acting within the scope of such employee's or person's
38 employment or duties in a correctional institution or facility and the
39 actor is confined in such institution or facility, or any firefighter, while
40 such victim was acting within the scope of such victim's duties; (2)
41 murder committed by a defendant who is hired to commit the same for
42 pecuniary gain or murder committed by one who is hired by the
43 defendant to commit the same for pecuniary gain; (3) murder
44 committed by one who has previously been convicted of intentional
45 murder or of murder committed in the course of commission of a

46 felony; (4) murder committed by one who was, at the time of
 47 commission of the murder, under sentence of life imprisonment; (5)
 48 murder by a kidnapper of a kidnapped person during the course of the
 49 kidnapping or before such person is able to return or be returned to
 50 safety; (6) murder committed in the course of the commission of sexual
 51 assault in the first degree; (7) murder of two or more persons at the
 52 same time or in the course of a single transaction; [or] (8) murder of a
 53 person under sixteen years of age; or (9) an offense involving an act of
 54 terrorism that results in the death of a person.

55 Sec. 5. Subsection (i) of section 53a-46a of the general statutes, as
 56 amended by section 1 of public act 01-151, is repealed and the
 57 following is substituted in lieu thereof (*Effective July 1, 2002*):

58 (i) The aggravating factors to be considered shall be limited to the
 59 following: (1) The defendant committed the offense during the
 60 commission or attempted commission of, or during the immediate
 61 flight from the commission or attempted commission of, a felony and
 62 the defendant had previously been convicted of the same felony; or (2)
 63 the defendant committed the offense after having been convicted of
 64 two or more state offenses or two or more federal offenses or of one or
 65 more state offenses and one or more federal offenses for each of which
 66 a penalty of more than one year imprisonment may be imposed, which
 67 offenses were committed on different occasions and which involved
 68 the infliction of serious bodily injury upon another person; or (3) the
 69 defendant committed the offense and in such commission knowingly
 70 created a grave risk of death to another person in addition to the
 71 victim of the offense; or (4) the defendant committed the offense in an
 72 especially heinous, cruel or depraved manner; or (5) the defendant
 73 procured the commission of the offense by payment, or promise of
 74 payment, of anything of pecuniary value; or (6) the defendant
 75 committed the offense as consideration for the receipt, or in
 76 expectation of the receipt, of anything of pecuniary value; or (7) the
 77 defendant committed the offense with an assault weapon, as defined
 78 in section 53-202a, as amended; or (8) the defendant committed the

79 offense set forth in subdivision (1) of section 53a-54b, as amended by
 80 this act, to avoid arrest for a criminal act or prevent detection of a
 81 criminal act or to hamper or prevent the victim from carrying out any
 82 act within the scope of the victim's official duties or to retaliate against
 83 the victim for the performance of the victim's official duties; or (9) the
 84 defendant committed the offense during the commission of an act of
 85 terrorism.

86 Sec. 6. Subsection (a) of section 53-394 of the general statutes is
 87 repealed and the following is substituted in lieu thereof (*Effective July*
 88 *1, 2002*):

89 (a) "Racketeering activity" means to commit, to attempt to commit,
 90 to conspire to commit, or to intentionally aid, solicit, coerce or
 91 intimidate another person to commit any crime which, at the time of its
 92 commission, was a felony chargeable by indictment or information
 93 under the following provisions of the general statutes then applicable:
 94 (1) Sections 53-278a to 53-278f, inclusive, relating to gambling activity;
 95 (2) chapter 949a, relating to extortionate credit transactions; (3) chapter
 96 952, part IV, relating to homicide; (4) chapter 952, part V, relating to
 97 assault, except assault with a motor vehicle as defined in section 53a-
 98 60d; (5) sections 53a-85 to 53a-88, inclusive, relating to prostitution; (6)
 99 chapter 952, part VII, relating to kidnapping; (7) chapter 952, part VIII,
 100 relating to burglary, arson and related offenses; (8) chapter 952, part
 101 IX, relating to larceny, robbery and related offenses; (9) chapter 952,
 102 part X, relating to forgery and related offenses; (10) chapter 952, part
 103 XI, relating to bribery and related offenses; (11) chapter 952, part XX,
 104 relating to obscenity and related offenses; (12) chapter 952, part XIX,
 105 relating to coercion; (13) sections 53-202, as amended, 53-206, 53a-211
 106 and 53a-212, relating to weapons and firearms; (14) section 53-80a,
 107 relating to the manufacture of bombs; (15) sections 36b-2 to 36b-33,
 108 inclusive, as amended, relating to securities; (16) sections 21a-277, 21a-
 109 278, as amended, and 21a-279, relating to drugs; (17) section 22a-131a,
 110 relating to hazardous waste; [or] (18) chapter 952, part XXIII, relating
 111 to money laundering; or (19) sections 2 and 3 of this act, relating to acts

112 of terrorism.

113 Sec. 7. Section 54-47b of the general statutes is repealed and the
114 following is substituted in lieu thereof (*Effective July 1, 2002*):

115 For the purposes of sections 54-47a to 54-47h, inclusive, as amended:

116 (1) "Applicant" means any judge of the Superior Court, Appellate
117 Court or Supreme Court, the Chief State's Attorney or a state's attorney
118 who makes an application to a panel of judges for an investigation into
119 the commission of a crime or crimes.

120 (2) "Crime or crimes" means (A) any crime or crimes involving
121 corruption in the executive, legislative or judicial branch of state
122 government or in the government of any political subdivision of the
123 state, (B) fraud by a vendor of goods or services in the medical
124 assistance program under Title XIX of the Social Security Act
125 Amendments of 1965, as amended, (C) any violation of chapter 949c,
126 (D) any violation of the election laws of the state, (E) any crime or
127 crimes involving an act of terrorism, as defined in section 53a-3, as
128 amended by this act, and [(E)] (F) any other class A, B or C felony or
129 any unclassified felony punishable by a term of imprisonment in
130 excess of five years for which the Chief State's Attorney or state's
131 attorney demonstrates that he or she has no other means of obtaining
132 sufficient information as to whether a crime has been committed or the
133 identity of the person or persons who may have committed a crime.

134 (3) "Investigatory grand jury" means a judge, constitutional state
135 referee or any three judges of the Superior Court, other than a judge
136 designated by the Chief Justice to serve on the panel, appointed by the
137 Chief Court Administrator to conduct an investigation into the
138 commission of a crime or crimes.

139 (4) "Panel of judges" or "panel" means a panel of three Superior
140 Court judges designated by the Chief Justice of the Supreme Court
141 from time to time to receive applications for investigations into the

142 commission of crimes in accordance with the provisions of sections 54-
143 47a to 54-47h, inclusive, as amended, one of whom may be the Chief
144 Court Administrator.

145 Sec. 8. (NEW) (*Effective July 1, 2002*) (a) A person is guilty of
146 interfering with a public water supply when: (1) With intent to cause
147 physical injury to another person, such person introduces a hazardous
148 substance into a public water system, or (2) with intent to degrade a
149 public water system, such person introduces a hazardous substance
150 into such public water system.

151 (b) For the purposes of this section: (1) "Hazardous substance"
152 means any physical, chemical, biological or radiological substance or
153 matter which, because of its quantity, concentration or physical,
154 chemical or infectious characteristics, may cause or significantly
155 contribute to an increase in mortality or an increase in serious
156 irreversible illness or incapacitating reversible illness or pose a
157 substantial present or potential hazard to human health, and (2)
158 "public water system" means any private, municipal or regional utility
159 supplying water to fifteen or more service connections or twenty-five
160 or more persons.

161 (c) Interfering with a public water system is a class A felony.

162 Sec. 9. (NEW) (*Effective July 1, 2002*) (a) A person is guilty of criminal
163 possession of a biological weapon when, with intent to intimidate or
164 coerce a civilian population, influence the policy of a unit of
165 government by intimidation or coercion or affect the conduct of a unit
166 of government by murder, assassination or kidnapping, such person
167 possesses a biological weapon.

168 (b) For the purposes of this section, "biological weapon" means any
169 weapon that is designed to release a biological agent, toxin, toxic
170 chemical or hazardous substance which can cause the death or
171 temporary incapacitation of, or permanent harm to, a person.

172 (c) Criminal possession of a biological weapon is a class A felony.

173 Sec. 10. (NEW) (*Effective July 1, 2002*) (a) A person is guilty of
174 hindering prosecution of terrorism when such person renders criminal
175 assistance to a person who has committed an act of terrorism.

176 (b) Hindering prosecution of terrorism is a class B felony.

177 Sec. 11. Section 53a-165 of the general statutes is repealed and the
178 following is substituted in lieu thereof (*Effective July 1, 2002*):

179 As used in sections 53a-166 and 53a-167 and section 10 of this act, a
180 person "renders criminal assistance" when, with intent to prevent,
181 hinder or delay the discovery or apprehension of, or the lodging of a
182 criminal charge against, a person whom he knows or believes has
183 committed a felony or is being sought by law enforcement officials for
184 the commission of a felony, or with intent to assist a person in
185 profiting or benefiting from the commission of a felony, he: (1) Harbors
186 or conceals such person; or (2) warns such person of impending
187 discovery or apprehension; or (3) provides such person with money,
188 transportation, weapon, disguise or other means of avoiding discovery
189 or apprehension; or (4) prevents or obstructs, by means of force,
190 intimidation or deception, anyone from performing an act which
191 might aid in the discovery or apprehension of such person or in the
192 lodging of a criminal charge against him; or (5) suppresses, by an act of
193 concealment, alteration or destruction, any physical evidence which
194 might aid in the discovery or apprehension of such person or in the
195 lodging of a criminal charge against him; or (6) aids such person to
196 protect or expeditiously profit from an advantage derived from such
197 crime.

198 Sec. 12. Section 42-230 of the general statutes is repealed and the
199 following is substituted in lieu thereof (*Effective July 1, 2002*):

200 (a) No person, firm or corporation shall increase the price of any
201 item which such person, firm or corporation sells or offers for sale at

202 retail at any location in an area which is the subject of any disaster
 203 emergency declaration issued by the Governor pursuant to chapter
 204 517, any transportation emergency declaration issued by the Governor
 205 pursuant to section 3-6b or any major disaster or emergency
 206 declaration issued by the President of the United States, until the
 207 period of emergency or disaster is declared by the Governor or the
 208 President to be at an end. Nothing in this section shall prohibit the
 209 fluctuation in the price of items sold at retail which occurs during the
 210 normal course of business. Any person, firm or corporation which
 211 violates any provision of this section shall be fined not more than
 212 [ninety-nine dollars] one thousand dollars or imprisoned not more
 213 than one year, or both, for each offense.

214 (b) Any violation of the provisions of this section shall be deemed
 215 an unfair or deceptive trade practice under subsection (a) of section 42-
 216 110b.

217 Sec. 13. Section 54-41a of the general statutes is amended by adding
 218 subdivision (11) as follows (*Effective July 1, 2002*):

219 (NEW) (11) "Act of terrorism" means an act or acts intended to
 220 intimidate or coerce a civilian population, influence the policy of a unit
 221 of government by intimidation or coercion or affect the conduct of a
 222 unit of government by murder, assassination or kidnapping.

223 Sec. 14. Section 54-41b of the general statutes is repealed and the
 224 following is substituted in lieu thereof (*Effective July 1, 2002*):

225 The Chief State's Attorney or the state's attorney for the judicial
 226 district in which the interception is to be conducted may make
 227 application to a panel of judges for an order authorizing the
 228 interception of any wire communication by investigative officers
 229 having responsibility for the investigation of offenses as to which the
 230 application is made when such interception may provide evidence of
 231 the commission of offenses involving gambling, bribery, violations of
 232 section 53-395, violations of section 21a-277, [or] felonious crimes of

233 violence or crimes involving acts of terrorism.

234 Sec. 15. Section 54-411 of the general statutes is repealed and the
235 following is substituted in lieu thereof (*Effective July 1, 2002*):

236 The contents of any intercepted wire communication or evidence
237 derived therefrom shall not be received in evidence or otherwise
238 disclosed in any trial, hearing or other proceeding in a court of this
239 state unless each aggrieved person, not less than thirty days before
240 such trial, hearing or proceeding, has been served with a copy of the
241 court order, and accompanying application, under which the
242 interception was authorized. Nothing in this section shall preclude the
243 receipt in evidence in a court of this state of any intercepted wire
244 communication obtained in conformity with 18 USC 2510 et seq.

245 Sec. 16. Section 15-41 of the general statutes is repealed and the
246 following is substituted in lieu thereof (*Effective July 1, 2002*):

247 The commissioner may perform such acts, issue and amend such
248 orders, and make and amend such reasonable general or special
249 regulations and procedure and establish such minimum standards,
250 consistent with the provisions of this chapter, as [he] the commissioner
251 deems necessary or appropriate, and which are commensurate with
252 and for the purpose of protecting and insuring the general public
253 interest and safety, the safety of persons receiving instruction
254 concerning, or operating, using or traveling in, aircraft, and of persons
255 and property on land or water, and to develop and promote
256 aeronautics in this state. The commissioner shall adopt regulations in
257 accordance with chapter 54 with respect to individuals receiving flight
258 instruction in this state. Such regulations may include establishing a
259 registration requirement for individuals receiving flight instruction in
260 this state and may specify the documents required to be presented
261 prior to receiving flight instruction in this state. No regulation of the
262 commissioner shall apply to airports or other air navigation facilities
263 owned by the federal government within this state.

This act shall take effect as follows:	
Section 1	<i>July 1, 2002</i>
Sec. 2	<i>July 1, 2002</i>
Sec. 3	<i>July 1, 2002</i>
Sec. 4	<i>July 1, 2002</i>
Sec. 5	<i>July 1, 2002</i>
Sec. 6	<i>July 1, 2002</i>
Sec. 7	<i>July 1, 2002</i>
Sec. 8	<i>July 1, 2002</i>
Sec. 9	<i>July 1, 2002</i>
Sec. 10	<i>July 1, 2002</i>
Sec. 11	<i>July 1, 2002</i>
Sec. 12	<i>July 1, 2002</i>
Sec. 13	<i>July 1, 2002</i>
Sec. 14	<i>July 1, 2002</i>
Sec. 15	<i>July 1, 2002</i>
Sec. 16	<i>July 1, 2002</i>

Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]